

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 619 of 1983

with

FIRST APPEAL NO 620 OF 1983

For Approval and Signature:

Hon'ble MR.JUSTICE M.H.KADRI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

BHADRESHKUMAR M MODI

Versus

HEIRS OF KANTHLAL SAKARLAL

Appearance:

First Appeal No.619 of 1983

MR GIRISH D BHATT for Petitioner

MR BM MANGUKIYA for Respondent No. 1 and 2

MR ATUL J SHAH for Respondent No. 3 and 4

First Appeal No.620 of 1983

Mr.Girish D. Bhatt

Mr. Atul J. Shah for respondent No.1

Respondent No.2 served

CORAM : MR.JUSTICE M.H.KADRI

Date of decision: 08/12/2000

COMMON ORAL JUDGEMENT

1. The appellant, by filing these two appeals, has challenged the common judgment and decree dated January 13, 1983, passed by learned Judge, Court No.23, City Civil Court, Ahmedabad, in Civil Suits Nos. 2116 of 1981 and 2117 of 1981. By the said common decree, the suits filed by the appellant for perpetual injunction against the defendants from taking over forcible possession of his cloth shop, situated on the Naka of Sheth-ni-pole, Ratanpole, Ahmedabad, came to be dismissed, whereas Civil Suit No.2117 of 1981 filed by Siddharth Keshavlal Zaveri came to be partly decreed.

2. Learned counsel, Mr. G.D. Bhatt, appearing for the appellant has taken me through the entire record and proceedings of the trial court.

3. Having gone through the record and proceedings of the trial court and having heard learned counsel for the appellant, I am of the opinion that no ground is made out by learned counsel for the appellants to interfere with the impugned judgment and decree in these appeals. The learned Judge, after appreciating oral as well as documentary evidence, has rightly dismissed the suits filed by the appellant for injunction. No infirmity is found to have been committed by the learned Judge in passing the impugned judgment and decree.

4. For the foregoing reasons, both appeals fail and are dismissed with no order as to costs.

(swamy)